THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 26824 of 1995

Dated: 24.11.2006

Between:

K.Sujatha

… Petitioner

AND

Reserve Bank of India,
Rep by its Manager,
Hyderabad.

… Respondent

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 26824 of 1995

ORDER:-

The petitioner having appeared for written examination for the recruitment to the post of clerk Grade-II (T) Coin-Note Examiner held on 30.10.1988 and having passed the same she was called for interview through the communication dated 19.5.1989. Accordingly she appeared for the interview, and was selected and included in the selection panel. The petitioner's contention is that the respondents offered appointment to one Sri M.Nalin Kumar who declined to join. Being in the selection list and not offered appointment, she made a representation dated 29.4.1995 to the respondents to consider her case. The respondent sent a reply dated 15.5.1995 to the effect that the selection list is being operated only to fill up the back log vacancies and that therefore as there was no vacancy available the petitioner cannot be appointed. The petitioner made another representation dated 29.8.1995 to consider her case for appointment against the vacancies which have arisen subsequently or against future vacancies and the respondents by letter dated 12.9.1995 reiterated their earlier stand. Hence, the present writ petition is filed seeking writ of mandamus directing the respondents to appoint the petitioner as Clerk Grade-II Coin-Note Examiner Grade-II (T) against the existing vacancies or immediate future vacancy with all consequential attendant benefits.

Respondent filed counter affidavit in which it is stated that following the selection, 98 candidates were placed in the waiting list for the post of Clerk/CNE Grade-II (T) on 10.6.1989. The petitioner was one such candidate who was included in the select list at Sl.No.97, as last candidate in the waiting list (General), and at Sl.No.20 as last candidate in the Scheduled Caste list. The said fact was informed to the petitioner on 19.7.1989 making it clear that mere inclusion of her name in the waiting list would not confer on her any right to be appointed in the Bank's service and the list would lapse on 10.6.1991 unless otherwise extended at the discretion of the bank. The petitioner was also informed that during the currency of waiting list she would be offered appointment in accordance with her position in the waiting list as and when the vacancies arise. It is further stated in the counter affidavit that after the waiting list was carried out in June 1991, the list was not operated till 1992. However, the validity of the list was extended from time to time and was allowed to finally lapse after appointment of two scheduled Caste candidates in June 1994 to clear the backlog on the instructions from the Government of India. Out of the candidates placed in the waiting list, only candidates belonging to Scheduled Castes and Scheduled Tribes were appointed and the offer of appointment to the candidates was strictly as per their ranking in the waiting list. The bank could not fill up the anticipated vacancies due to various reasons which had downward effect on the manpower needs of the bank. The appointments were made as and when necessary in accordance with the ranking in the list and many of the candidates in the waiting list who are seniors to the petitioner could not be offered appointment in the bank due to non-availability of the vacancies. No candidate junior to the petitioner in the waiting list has been offered appointment in the bank.

Heard the learned counsel for the petitioner and Ms.Uma Devi,

learned Standing Counsel for respondent.

Learned counsel for the petitioner submits that even if the vacancies were not available earlier the petitioner's case may be considered against future vacancies. I have considered the said plea but however I am unable to accept the same. It is well settled legal position that a candidate included in the selection list does not have indefeasible right for appointment. It is clear from the communication dated 19.7.1989 issued by the respondent to the petitioner that the validity of the select list would lapse on 10.6.1991 and that mere inclusion of the petitioner's name in the list would not confer any right on her to be appointed. No doubt it is mentioned in the counter affidavit that in order to fill the scheduled caste backlog vacancies the select list was operated till June 1994 and that thereafter the said list was not operated. The petitioner is unable to show that any candidate junior to him included in the selection list was considered for appointment.

As the petitioner has not made out any case for appointment, in view of the fact that the validity of the select list was being only for a period of one year and in the absence of vacancies arising during the validity of the select list, the petitioner cannot claim any right for appointment. The plea of the petitioner for consideration against future vacancies deserves to be rejected, for in respect of the vacancies which arise subsequent to the validity of the select list the respondent is bound to make fresh selection and therefore petitioner's case cannot be considered on the basis of the select list whose validity has already expired.

For the aforementioned reasons, the writ petition fails and is accordingly dismissed. No costs.

_____

24.11.2006.

mdaa